

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JAMES RAY, et al.,

Case No. 3:16-cv-364

Plaintiff, :

vs

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

CALIBER HOME LOANS, INC., et al.,

Defendant. :

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of Magistrate Judge Michael R. Merz (ECF No. 43), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Defendant Assurant's Motion to Enforce Settlement (ECF No. 39) is GRANTED. Assurant, or Assurant's affiliate Standard Guaranty, is ORDERED to pay Plaintiffs the sum of \$1,223.00, in a check made jointly payable to Plaintiffs and Defendant Caliber Home Loans, Inc.

Plaintiffs' claims against Assurant, Inc. are DISMISSED with prejudice. Assurant, Inc. and Standard Guaranty are released from any claims Plaintiffs may have against them.

Since Plaintiffs' claim against Defendants Caliber Home Loans and Nationstar Mortgage LLC were previously dismissed, the Clerk shall enter final judgment as follows:

- 1) Plaintiffs' claims against Caliber Home Loans are dismissed without prejudice.

- 2) Plaintiffs' claims 1 & 3 against Nationstar are dismissed with prejudice and claim 4 is dismissed without prejudice.
- 3) Assurant, or Assurant's affiliate Standard Guaranty, is ORDERED to pay Plaintiffs the sum of \$1,223.00, in a check made jointly payable to Plaintiffs and Defendant Caliber Home Loans, Inc.
- 4) Plaintiffs' claims against Assurant are dismissed with prejudice.

This case is TERMINATED on the docket of this Court.

January 27, 2017.



Walter Herbert Rice
United States District Judge